

Docket No.: IA 1508.01A US
USSN: 09/295,826

PATENT
Art Unit: 3621

REMARKS

Claims 1-20 are pending in the present application.

This Amendment is in response to the Office Action mailed June 2, 2004. In the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. § 103.

Applicant has amended claims 1 and 11. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. FORMS PTO-1449

Applicant acknowledges Examiner's phone message of July 13, 2004, wherein the Examiner stated that Applicant's Forms PTO-1449, as filed on November 14, 2000 and June 4, 2002, will be acknowledged. Applicant further requests that the signed and initialed forms be returned to Applicant's mailing address to complete Applicant's records.

II. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims 1-6, 8, 10, 11-16, 18, and 20 under U.S.C. § 103(a) as being unpatentable over Gracenote.com (New Media pioneers Ann Greenberg and Ty Roberts join CDDDB.com) ("Gracenote") in view of U.S. Patent 5,825,883 issued to Archibald et al. ("Archibald") and in further view of U.S. Patent 4,658,093 issued to Hellman ("Hellman") and in further view of U.S. Patent 6,081,785 issued to Oshima ("Oshima"). Claims 7, 9, 17, and 19 are also rejected under 35 U. S. C. § 103(a) as being unpatentable over Gracenote in view of Archibald and further in view of Oshima and further in view of Hellman and further

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in view of Rosen. Applicant respectfully traverses the rejections for the following reasons.

Gracenote discloses a music software player that when a consumer listens to an audio CD in a CD-ROM drive, the software reaches out to a database to provide the consumer the name of the artist, album and song he/she is listening to (Gracenote, paragraph 7). Unlike the present invention, Gracenote does not disclose posting the transaction to the server database.

Archibald discloses a method for a collection agency to generate debiting and crediting information. The method determines whether a digital application use information message has been received from the user. The digital application use information message includes a user identification code, amount of use, and a digital application identification code (Archibald, FIG. 4, Col. 16 (lines 28-47)). The present invention, however, discloses posting the transaction to the server database.

Hellman discloses nothing more than an operation of a base unit during generation of a request for software use. Column 10, lines 33-65 disclose an implementation of the base unit during use of a software package. It discloses that a user is prevented from using software for which he does not have current authorized use. This, however, is not the posting the transaction to the server database.

Oshima discloses a method of recording and reproducing for recording limitation to one RAM disk with a BCA. The decoding data is a particular piece of software such as the scramble release key for the particular decoder system ID ... and a recording permission card (Oshima, FIG. 24). In contrast, the present invention discloses posting the transaction to the server database.

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Rosen discloses a security for a monetary system. Figure 7 shows an "establish session" protocol which uses encryption. Rosen, does not, however, disclose posting the transaction to the server database.

Gracernote, Archibald, Hellman, Oshima, and Rosen, taken alone or in any combination, do not disclose, suggest, or render obvious posting the transaction to the server database.

Therefore, Applicant believes that independent claims 1, 11 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

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CONCLUSION

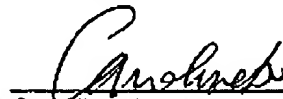
In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: July 30, 2004



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